XI-HC-78

(21)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C) 333 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A. (C) NO. 333/2006

APPELLANTS CLAIMANTS :

1. Smt. Rahi Bai, W/o Mohan Lal, Sinha, Aged about 42 yrs.
2. Mohan Lal Sinha, S/o Kisun Lal Sinha, aged about 50 yrs.
3. Ku. Dhaneshwari, D/o Mohan Lal Sinha, aged about 14 yrs.
4. David Sinha, S/o Mohan Lal Sinha, aged about 7 yrs.

Appellant No. 3 & 4 are represented by legal guardian mother Smt. Rahi Bai. All resident of Village Pacheda, Post, P.S. & Tahsil Abhanpur, Distt. Raipur (C.G.)

VERSUS

RESPONDENTS: NON-APPLICANTS

1. G. Nagarjun, S/o Kutumb Rao, aged about 35 yrs, R/o M.S. Service Station, Telibandha, Raipur.
2. P. Ramakrishna, S/o Surya Rao, R/o M.S. Service Station, Telibandha Raipur.
3. The United India-Eturu, Distt. Godawari (West) Andhra Pradesh, Pin Code-534002, Through Divisional Manager,

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मामला क्रमांक ..... सन् 200

(22)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Divisional Office, Kachahari Chowk, Jail Road, Raipur (C.G.)

4.4.2007

Shri S.C. Verma, counsel for the appellant.
Shri Dashrath Gupta, counsel for the respondent No. 3/insurance company.

Heard on admission.

The appellants/claimants have preferred this appeal against the award dated 21.8.2006 passed by 8th Additional Motor Accident Claims Tribunal, Raipur for enhancement of compensation as only a sum of Rs. 2,53,000/- has been awarded to the appellants/claimants for the death of Onkar Sinha, son of appellants No. 1 & 2 and brother of appellants No. 3 & 4, who died on 27.6.2005 in a motor vehicle accident.

Learned counsel for the appellants submits that the instant appeal has been preferred firstly on the ground that while computing compensation the multiplier of 13 has been wrongly applied and secondly, against various heads i.e. for funeral expenses, loss of love and affection, future prospects and loss of estate, only a sum of Rs.5,000/- each, has been awarded. The third ground raised by counsel for the appellants is that the earning capacity of the deceased has wrongly been assessed as Rs.80/- per day considering him to be unskilled labourer whereas he was earning Rs.7,000/- per month by repairing the vehicles.

P.T.O.

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मामला क्रमांक ..... सन् 200

(23)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	I have heard learned counsel for the appellants. So far as multiplier of 13 is concerned, learned Tribunal has held the same considering the age of the appellants/claimants No. 1 & 2 who are mother and father of the deceased and are admittedly 42 and 50 years respectively and thus, multiplier has been applied on the basis of Schedule – 2. As for the contention of the appellants that multiplier ought to have been applied considering the age of other claimants i.e. appellants No. 3 & 4 who are sister and brother of the deceased, the above contention cannot be accepted because the brother and sister can never be construed to be the dependants on the deceased during the lifetime of their parents when they are unmarried. The award of Rs. 5,000/- against various other heads is in accordance with Schedule – 2 of Section 163-A of the Motor Vehicle Act and no illegality has been committed by the learned Tribunal in awarding compensation to the appellants in this regard. So far as earning capacity of the deceased is concerned, in the absence of any certificate or documents which shows that the deceased was earning Rs.7,000/- per month, the Tribunal has rightly assessed the daily income of the deceased as Rs.80/- per day being the collectorate rate.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(54)

मामला क्रमांक.....सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	In the result, the appeal being devoid of substance deserves to be dismissed as the admission stage itself and is accordingly dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

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